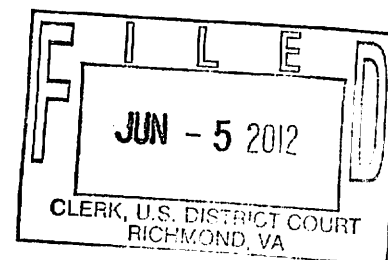


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



**ERIC DANTE PITT, for himself
And on behalf of all similarly situated
individuals,**

Plaintiff,

Civil Action No. 3:11-cv-697

v.

**KMART CORPORATION,
A wholly owned subsidiary of Sears
Holdings Corporation,**

and

SEARS HOLDINGS CORPORATION,

Defendants.

AGREED SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 26(f), this Court's Order of April 20, 2012, and this Court's instructions provided at the May 29, 2012 initial pretrial conference, counsel for the parties have conferred to develop a proposed discovery plan. The parties have agreed upon the discovery plan set forth herein.

The parties will conduct discovery in two phases.

Phase I discovery shall be completed by September 28, 2012 and shall be limited to the merits of the named Plaintiff's claims that Defendants violated the FCRA with respect to him and evidence necessary for the parties to litigate class certification.

The deadline for the parties to file motions for summary judgment based upon Phase I discovery and for the Plaintiff to move for class certification shall be October 12, 2012.

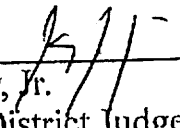
Opposition and reply briefs to such motions shall be filed within the timeframes provided in Rule 7(F) of the Local Rules of this Court.

Phase II discovery shall commence upon the Court's ruling on motions for summary judgment and class certification and shall be completed by January 24, 2013. Phase II discovery shall take place only to the extent necessary based upon the Court's rulings on the parties' motions for summary judgment and the plaintiff's motion for class certification. Issues reserved for Phase II discovery include whether Defendants violated the FCRA with respect to unnamed class members and factual issues bearing on whether Defendants' alleged violations of the Fair Credit Reporting Act were willful. These issues include resources devoted to FCRA compliance efforts, audits undertaken to confirm compliance, class-wide factual discovery, class member identities, and supervision of third-party vendors.

The following deadlines shall apply in this case:

<u>Activity</u>	<u>Deadline</u>
Deadline for Plaintiff to serve Fed. R. Civ. P. 26(a)(1) disclosures	June 8, 2012
Deadline for amending the complaint	June 30, 2012
Close of Phase I discovery	September 28, 2012
Deadline for parties to file motions for summary judgment based upon Phase I discovery	October 12, 2012
Deadline for Plaintiff to file a motion seeking class certification	October 12, 2012
Deadline for Rule 26(a)(2) disclosures	January 10, 2013
Close of Phase II discovery	January 24, 2013
Deadline for summary judgment based upon Phase II discovery	January 24, 2013
Deadline for Rule 26(a)(3) disclosures	January 31, 2013
Trial	February 2013

ENTERED THIS 5 DAY OF JUNE 2012.

/s/ 
 John A. Gibney, Jr.
 United States District Judge
 John A. Gibney, Jr.
 United States District Judge

COUNSEL FOR PLAINTIFFS:

/s/ Leonard A. Bennett

Leonard A. Bennett
Virginia Bar No. 37523
CONSUMER LITIGATION ASSOCIATES P.C.
12515 Warwick Boulevard, Suite 100
Newport News, VA 23606
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
Email: lenbennett@cox.net

COUNSEL FOR DEFENDANTS

/s/ John C. Lynch

John C. Lynch
Virginia State Bar No. 39267
TROUTMAN SANDERS LLP
222 Central Park Ave., Suite 2000
Virginia Beach, Virginia 23462
Telephone: (757) 687-7765
Facsimile: (757) 687-1504
Email: john.lynch@troutmansanders.com